

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2002-0815-010-067

vs.

Laurie Schluntz, RN, Lic. No. E51323
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated September 3, 2002. Dept. Exh. 3. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by the respondent Laurie Schluntz, (hereinafter "respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to the public health, safety, and welfare. On September 4, 2002, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent's registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 3.

The Board issued a Notice of Hearing dated September 4, 2002, scheduling a hearing for September 18, 2002. Dept. Exh. 3.

Respondent was provided notice of the hearing and charges against her. The Summary Suspension Order, Notice of Hearing and Statement of Charges were served on respondent by certified mail on September 6, 2002 and by State Marshal on September 9, 2002. Dept. Exh. 3.

The hearing commenced on September 18, 2002, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Respondent was present during the hearing but was not represented by counsel. During the hearing, respondent requested a continuance to obtain legal representation. The Board granted the request, and rescheduled the hearing for January 15, 2003. Dept. Exh. 2D; Transcript, September 18, 2002, pp. 3-7.

The rescheduled hearing took place on January 15, 2003, at the Hartford Hospital Newington Campus, Curtis Building Amphitheater, 181 Patricia M. Genova Drive, Newington, Connecticut.

Neither respondent nor counsel for respondent were present at the hearing on January 15, 2003. Transcript, January 15, 2003, p. 3.

During the hearing, the Department filed a Motion to deem allegations admitted. The Board granted the motion. Dept. Exh. 2.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued registered nurse license number E51323 on September 1, 1988. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1.
2. From on or about July 10, 2002 to July 11, 2002, respondent was employed as a registered nurse by Maxim Healthcare Services, a nursing pool. Dept. Exhs. 2, 3.
3. From on or about July 10, 2002 to July 11, 2002, while assigned to work as a registered nurse at Mediplex of Wethersfield, respondent fell asleep while on duty, exhibited slurred speech and was ataxic. Dept. Exh. 2. Transcript, January 15, 2003, pp. 9-13.
4. The Board finds credible the testimony of Melanie Vloski, Director of Nursing at Mediplex of Wethersfield, who testified at the hearing that respondent was asleep, exhibited slurred speech, had glazed eyes and was ataxic while on duty. Transcript, January 15, 2003, pp. 9-13.
5. Respondent submitted to random urine screening on July 11, 2002. Laboratory results for the July 11, 2002 urine specimen were positive for the presence of cocaine. Dept. Exh. 2.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Laurie Schluntz held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 3 of the Statement of Charges alleges that from 11:00 p.m. on July 10, 2002 to 7:00 a.m. on July 11, 2002, while working as a registered nurse at Mediplex of Wethersfield, Wethersfield, Connecticut, respondent:

- a. fell asleep while on duty;
- b. exhibited slurred speech;
- c. was ataxic.

PARAGRAPH 4 of the Statement of Charges alleges a urine sample that respondent gave on July 11, 2002 was positive for cocaine.

Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies, the Board deems the allegations in the First Count of the Statement of Charges to be admitted.

The General Statutes of Connecticut § 20-99 provides in relevant part:

- (a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17. . . .
- (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . .

Based on its findings of fact, the Board concludes that respondent's conduct as alleged in Paragraphs 3 and 4 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§ 20-99(b)(2), (5) and 19a-17, in that respondent's conduct failed to conform to the accepted standards of the nursing profession. The Board finds that respondent while on duty, on or about July 10 and July 11, 2002, exhibited signs of drug use in that respondent was ataxic, exhibited slurred speech, and fell asleep. On July 11, 2002, respondent tested positive for cocaine use.

Order

Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraph 3 of the Statement of Charges, respondent's registered nurse license, number E51323, is revoked effective the date this Memorandum of Decision is signed by the Board.
2. That for Paragraph 4 of the Statement of Charges, respondent's registered nurse license, number E51323, is revoked effective the date this Memorandum of Decision is signed by the Board.

The Board of Examiners for Nursing hereby informs respondent, Laurie Schluntz, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 23rd day of July, 2003.

BOARD OF EXAMINERS FOR NURSING

By 